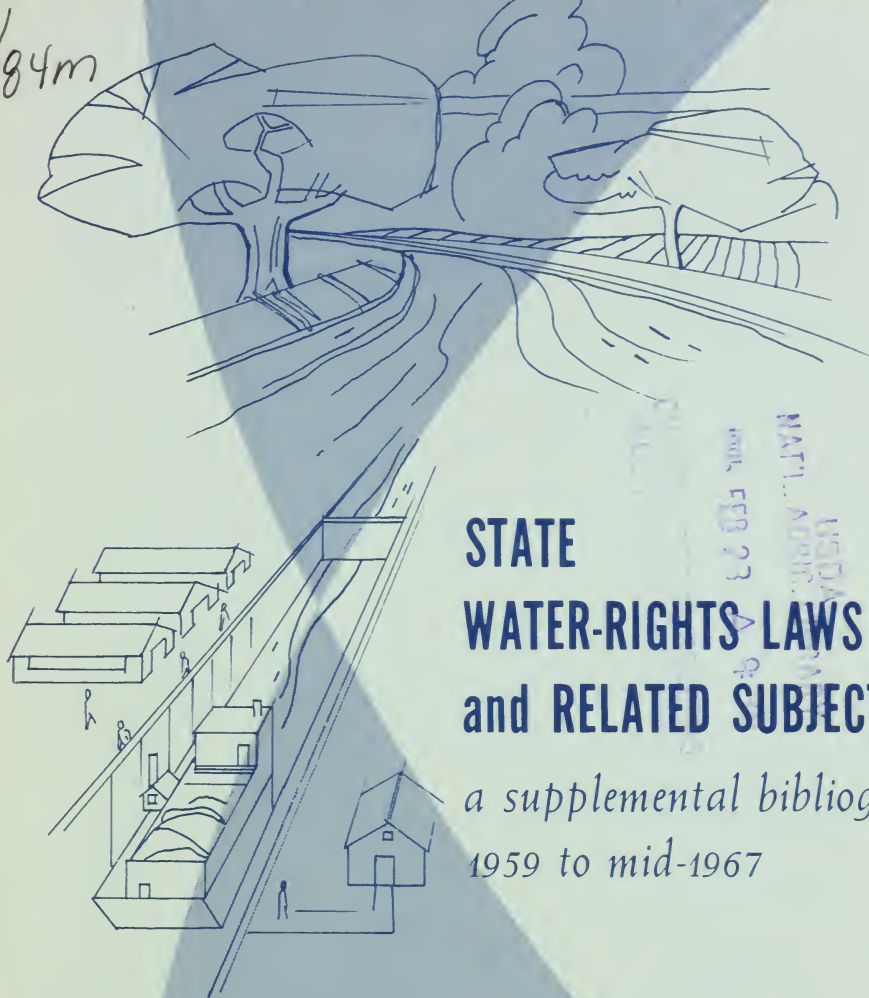


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**STATE  
WATER-RIGHTS LAWS  
and RELATED SUBJECTS :**

*a supplemental bibliography,  
1959 to mid-1967*



Miscellaneous Publication No. 1249

Economic Research Service  
U. S. Department of Agriculture

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## ABSTRACT

This bibliography supplements one on the same subject compiled by Jack R. Turney and Harold H. Ellis and issued by the U. S. Department of Agriculture as Miscellaneous Publication 921, December 1962. Included in this supplement are citations, with major topics, of more recent publications on State water-rights laws. Also cited are related publications, including works on Federal, interstate, and international matters involving or related to water rights.

Keywords: Water laws, Water resources, State, Federal, International.

Washington, D.C. 20250

September 1972



# STATE WATER-RIGHTS LAWS AND RELATED SUBJECTS:

## A SUPPLEMENTAL BIBLIOGRAPHY, 1959 TO MID-1967

Compiled by Beatrice H. Holmes, 1/ George G. Simons, 2/  
and Harold H. Ellis 3/

### INTRODUCTION AND EXPLANATION OF BIBLIOGRAPHY

Growing interest in laws concerning State water rights and related subjects has caused State and Federal agencies, universities, legislative and executive study committees, and others to prepare a number of publications on such subjects. Those who are vitally concerned include legislators, public officials charged with the administration of water laws and water-resource programs, courts, lawyers, research workers, planning and related organizations, and farm and community leaders. Moreover, persons in foreign countries have been studying or are interested in U.S. water laws.

In December 1962, a bibliography was published by the U.S. Department of Agriculture, primarily to aid those who search available literature dealing with State water-rights laws. State Water-rights Laws and Related Subjects: A Bibliography was compiled by Jack R. Turney and Harold H. Ellis and issued as Miscellaneous Publication 921. It was based on a survey made during 1958-59.

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1/Natural Resource Economics Division, Economic Research Service, U.S. Department of Agriculture, and member of the New York Bar.

2/A member of the Wisconsin Bar. Formerly research assistant for University of Wisconsin Law School and College of Agriculture. Grateful acknowledgment is made to the University of Wisconsin for allowing him to work on this project while he was employed by the University. His employment on this project was partly supported by Federal research funds allocated for North Central Region Research Project NC-57: Economic and Legal Factors in Providing, Using, and Managing Water Resources in Agriculture.

3/Natural Resource Economics Division, Economic Research Service, U.S. Department of Agriculture, and member of the Illinois Bar.

The current report supplements the first bibliography and incorporates more recent publications. It is based on a survey of the literature published from 1959 to mid-1967 and on responses to formal inquiries sent in 1966 to State and Federal agencies concerned with water resources, and to law schools, water-resource centers or institutes, agricultural colleges, and others. Some additional publications through mid-1967 were received from such sources. Cooperation of these sources is gratefully acknowledged. Also included are a few publications dated earlier than 1959, which were omitted inadvertently from the original bibliography.

Part I covers publications dealing with State water-rights laws, including law review articles and other sources. Most citations include a list of major topics covered. For some short articles, the titles are self-explanatory.

Part II consists of supplemental lists of published materials. The numerous topics covered in these publications were omitted from the citations. One list entitled "General List of Publications" includes the published proceedings of symposiums, conferences, and similar meetings. (These are cited in part I in connection only with specific articles or papers included in the proceedings.) Selected publications on subjects closely related to water law are also included. The other lists are "American Law Reports," "Federal Matters," and "Interstate and International Matters." The latter two, less comprehensive in coverage, largely include publications on these related matters which were discovered in searching the available literature for publications on State water-rights laws.

Part III, Publications Index, will help the reader find publications about particular subjects or States in this bibliography. The index does not show all topics covered in all publications cited in the bibliography because part I contains only major topics and part II, only titles. Moreover, index references under a particular State are generally limited to publications that are entirely or primarily about that State. All references to the State that are scattered throughout the voluminous literature are not listed.

Part IV, Author Index, lists by author or coauthor the number of each item that cites their work. Some editors of publications are also included.

Several recent publications dealing with water laws and related subjects include legal, economic, and related analyses. Such publications have emerged from a wide variety of sources. As in the preparation of the 1962 bibliography, special effort was made to achieve comprehensive coverage of publications dealing with State water-rights laws. Less comprehensive coverage of literature on related topics was attempted. It often was rather difficult to decide which of the several related topics and publications to include. Moreover, discussions of water law in legal encyclopedias, in casebooks on water or natural resources law, or in text- or case-books on real property or other subjects were generally not cited. Nor in general, were citations included to government publications which primarily include such matters as agency rules or regulations, instructions for permit applicants, periodic reports of agency activities, or reprints of applicable statutes. (A compilation by Timonthy Glidden of State agency rules and regulations and related information regarding Western States is cited in part I.)

It was sometimes difficult to know whether to include, or how to cite, "processed" papers, mimeographed papers or others not formally published on the subjects covered. Unpublished theses of university graduate students were omitted. If the citation of a particular document includes no indication of the publisher or the source (such as a law review or other periodical), this generally means that it is a processed paper that, so far as is known, has not otherwise been published. Some papers were omitted if they apparently were not intended for publication.

Some publications rightfully deserving a place in this bibliography may have been overlooked. Such omissions are sincerely regretted. The authors would be grateful for notification of any significant omissions.

PART I. PUBLICATIONS ON STATE WATER LAWS, WITH  
TOPICS COVERED

1. ADAMS, A. L. New York State water law. Jour. of Amer. Water Works Assoc. 57:39-50, Jan. 1965.

Use and availability

Demand outlook

Water-law history

Riparian rights

Application of riparian doctrine--natural flow, reasonable use, and riparian land

Liability

Underground waters--reasonable use

Diffused surface waters

Limitations on water rights

Common rights

Custom and prescription

Statutory limitations--taking by eminent domain or appropriation, health regulations, State property, regulation by State of navigable waters, and regulations of water on "public domain"

Other Federal powers

Other State powers--police power

New York statutes--water-resources law

Prospects

2. ALLISON, EARL R. and MANN, DWIGHT, R. The trial of a water pollution case. Baylor Law Rev. 13(3):199-244, Summer 1961.

Salt water pollution of ground water by oil operators (Texas)

English (strict-liability) rule inapplicable; Turner vs. Big Lake

Liability:

Common law negligence

Effects of lessor-lessee relationship

Rule 20 of the Texas Railroad Commission

Defenses:

Statute of limitations

Consent

Incurred risk

Pleadings, issues, and evidence

3. AMERICAN BAR ASSOCIATION, Section of Mineral and Natural Resources Law. Report of the Committee on Water Resources: in 1963 Com. rpts., p. 136-164; 1964 Com. rpts., p. 186-209; 1965 Com. rpts., p. 158-186; 1966 Com. rpts., p. 184-225; and 1967 Com. rpts., 200-224, Amer. Bar Center, Chicago.

Recent developments:

State developments -- legislation, judicial decisions, and administrative actions

Federal developments:

(The report of the committee, 1963-65, also contained two other topics -- (1) Report of the ground water management subcommittee and (2) Federal-State water rights. The 1967 report of the committee did not contain any topics other than recent State developments.)

4. ANDERSON, RAYMOND L. The irrigation water rental market: A case study. Agr. Econ. Research 13(2):54-58, Apr. 1961.

Modification of the appropriation doctrine through a rental system in the South Platte Basin:

Rental arrangements

Size of the water rental market

Rental rates and value of water

5. ANDERSON, RAYMOND L. Organizational arrangements in water transfer. In Water transfer problems, internat. river basin dev., Water resour. and econ. dev. of the West, rpt. 10, Conf. Proc., Dec. 4-5, 1961, Com. on the Econ. of Water Resour. Dev. of the Western Agr. Econ. Research Council., Portland, Ore., n.d. p. 1-8. (Discussion by Stephen C. Smith of this paper on p. 9-12.)

Sale of water rights on stream

Sale of irrigation company stock

Seasonal rental of irrigation water

Seasonal transfer of Northern Colorado Water Conservancy

District water

Permanent transfers of Northern Colorado Water Conservancy

District water

Water exchanges between organizations

Appraisal of transfer process

6. ANDRESEN, RICHARD. Water and watercourses: Reliction. S. Dak. Law Rev. 7:152-157. Spring 1962. Note.

Navigable lakes -- loss of character as a navigable, public lake by reliction

Temporary subsidence of waters is not reliction

South Dakota reliction statute requires a survey of the dried-up lakebed and judicial determination of the rights of adjoining landowners

7. APOLINSKY, H. I. Development of riparian law in Alabama. Ala. Law Rev. 12:155-173, Fall 1959.

The three riparian doctrines -- natural flow, reasonable rights, prior appropriation

The Alabama view: natural-flow doctrine applied to diversion and obstruction of streams; reasonable use applied to pollution

7a. APPLICATION of the doctrine of intervening public use in water litigation. Stanford Law Rev. 13:180-184, Dec. 1960. Case note.

Diversion in excess of prescriptive water rights:

Defenses -- intervening public use (estoppel or public policy)

8. BACKUS, ROBERT A. Water pollution control in Colorado. Univ. Colo. Law Rev. 36(4):413-425, Apr. 1964. Comment.

Pollution in Colorado

Methods of dealing with water pollution

Legislation and activities in Colorado

State game, fish, and parks commissions

Colorado water conservation board:

Mine tailing and wastes

State engineers

Criminal prosecution

Local governments

Soil conservation districts

Federal legislation

Federal-State relations

Proposed legislation in Colorado

9. BAGLEY, E. S. Water rights law and public policies relating to ground water "mining" in the Southwestern States. Jour. of Law and Econ. 4:144-175, Oct. 1961.

Ground water use in United States

Ground water as a stock resource

Economic considerations in the utilization of stored water supplies

Ground hydrology and ground water law

Traditional water-rights doctrines and allocation of ground water stocks

Legal status of ground water "mining" in the landowner-ship doctrine States in the Southwest

Legal status of ground water "mining" in the appropriation doctrine States of the Southwest

Conclusion about effects of ground water doctrines on depletion of ground water in the Southwest



10. BAIN, JOE S., CAVES, R. E., and MARGOLIS, J. Northern California's water industry: The comparative efficiency of public enterprise in developing a scarce natural resource. Publ. for Resour. for the Future, Inc., by The Johns Hopkins Press, Baltimore, 1966. 662p.

The legal framework of the industry (p. 59-124)

The law of water rights:

Riparian rights and correlative ground water rights

Appropriative rights

Prescriptive rights

The law's impact on allocation of water rights

The law affecting local water agencies

Laws governing the Federal and State water agencies:

Federal agencies

The California Department of Water Resources

The California Water Plan

Public regulation of the use of water:

The authorization of water-resources development projects

Protection of streamflows

Pollution control and maintenance of water quality

Other regulation

Servitude of Federal water agencies to California law

Changes in the legal framework of the industry:

Suggested revision in public policy (p. 655-672)

Regulation governing authorization of water projects

Law governing policies of Federal and certain local agencies

Law affecting the marketability of water and water rights

Law dealing with the external effects of water uses:

Water pollution

Impairment of streamflows for public recreational use

Other external effects

11. BANKS, HARVEY O. Optimum ground water management in the West. In Western Resour. Conf. Papers, 1966, Univ. of Colo. Press, Boulder, 1967. p. 99-105.

Three types of control:

Statutory -- Nevada, New Mexico

Court order -- California

Underground water districts -- Texas

Functions of a ground water basin

Objectives and criteria

Legal problems of ground water management agencies

Types of management agencies

12. BARNES, C. E. Legal quicksands in Oklahoma riverbeds. Okla. Law Rev. 17:159-168, May 1964.  
Effects of navigability  
Problems in determining accretion  
Practical problems
13. BARNES, STANLEY M. Kaweah water rights settlement by purchase. Jour. of the Irrig. and Drainage Div. 92 (IR1): 55-76, Mar. 1966. (Discussed by M. B. Holburt and J. S. McEwan in 92 (IR1): 91-95, Dec. 1966; and by H. O. Banks and A. C. Bardin in 93 (IR1): 135-136, Mar. 1967.)  
Kaweah Delta Water Conservation District area (California)  
Tulare Lake area  
Terminus Reservoir Project  
Need for new water-rights agreement  
Water-rights position of Corcoran Irrigation District  
Studies by engineers' committee and data analyses  
Cross Creek and Elk Bayou flows to Tulare Lake area  
Potential additional use of Kaweah River water on riparian land  
Annual equivalent rate of future increased riparian use  
Useability of Kaweah River water in upstream service area  
Conditions of the settlement  
Effects of settlement on upstream and downstream service areas
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Adequate water laws contribute to future economic growth  
New or improved laws may need to clarify the rights to store and use water not presently being used (Michigan):  
Prudent management with foresight needed  
Problems change with time  
Reasonable-use doctrine vague  
Groundwater law  
Rights to drainage waters
15. BECK, ROBERT E. The wandering Missouri river: A study in accretion law. N. Dak. Law Rev. 3:429-466, Spring 1967.  
Title to lands affected by the changes in the bed of the Missouri River:  
The frontland-backland controversy  
Definitions -- accretion, dereliction, erosion, avulsion, reliction, and alluvion  
The accretion doctrine  
Six reasons used to justify the accretion doctrine



15. BECK, ROBERT E.--Cont.

Analogy to accession

The river is the natural boundary

De minimis non curat lex

"Productivity" theory

Compensation

Preservation of access

The dividing line between accretion and avulsion -- case law in seven States

Evidentiary problem

Artificial versus natural causes

Is controversy between two private parties or between one and the State?

Balancing the equities

The time element

16. BELL, N. H. Beneficial use of water. Willamette Law Jour. 3(4):382-390, Fall 1965. Note.

The "beneficial-use" standard of appropriation statutes:

The "use" of water

Usufructuary right versus absolute ownership

Consumptive or nonconsumptive

The use must be "beneficial:"

Reasonableness of use

Economic vs. aesthetic benefits

Actual use

Waste

Conveyance of water rights and changes in use:

Oregon statute -- no change in use or place of use without application to State engineer and the finding that existing rights are unimpaired

Forfeiture for nonuse

17. BERRY, WILLIAM L. California's ground water problems and their solution. Western Resour. Conf. Ground Water Section papers, 1960, Colo. Ground Water Comm., Boulder, 1961. 10 p.

History of ground water law in California:

Correlative rights

Pasadena vs. Alhambra:

Mutual prescription

Court reference procedure

Los Angeles vs. Glendale -- imported ground water

Accomplishments toward solution of present problems:

Ground water recharge

Water Replenishment District Act

Ground Water Recordation Act

18. BEUSCHER, J. H. Current trends in Wisconsin's water law. Wisc. Bar Bul. 40:19-28. Apr. 1967.

- Diffused surface water -- distinction between urban and rural areas

- Ground water -- absolute ownership

- Water in lakes, streams, and ponds -- public rights, lake levels, dams and irrigation permits, and artificial body of water

- Filling in navigable streams -- public trusts in navigable waters

- Wisconsin Water Resources Act of 1966:

  - Subsidies and incentives -- pollution control

  - Shoreland protection

  - Stream standards

  - Septic tank controls

  - Additional sanctions

19. BEUSCHER, J. H. Our present policies on water use. In Public policies relating to water: N. Central Public Aff. Com., Coop. Extens. Serv., and The Farm Foundation, Univ. of Mo. Extens. Div., MP 2-1966. p. 40-49.

- Pressures for outdoor amenities and protection of the environment

- Shoreland owners and their land uses

- Water-quality management in general

20. BEUSCHER, J. H. and DeLOGU, ORLANDO. Water law in southeastern Wisconsin. Southeastern Wisc. Regional Planning Com., Waukesha, Jan. 1966. 92 p.

- Riparian doctrine:

  - Nonriparian use

  - Natural-flow doctrine

  - Reasonable-use doctrine

  - Navigable and nonnavigable waters

  - Differences between streams, lakes, and ponds

  - Ownership of stream- and lake-beds

  - Statutes affecting use of surface watercourses

- Ground water law

- Diffused surface water law:

  - General rules concerning discharge--

    - Between private owners

    - Where a municipality is involved

- Legal liability of an integrated storm-drainage system

20. BEUSCHER, J. H. and DeLOGU, ORLANDO.--Cont.

Flood plain regulations:

A suggested pattern

Encroachment in stream channels -- applicable statutes

Coordinated program for regulation of entire flood plain

Potential for regulation at State or regional level

Existing powers for flood plain land use regulation

Wisconsin Industrial Commission -- authority to regulate construction of flood plains

Pollution control machinery -- State, local, private, and

Federal, and a role for the regional planning commission

Legal implications of temporarily backing floodwaters into drainage districts

Root River watershed boundary dispute

Interbasin diversion

Coordination on the watershed level of local governments

Private milldams

21. BITTENDER, MORTON W. The problem of integrating ground water and surface water use. Ground Water 2 (3):33-38, July 1964.

Historical aspects

Legal aspects

Physical aspects

Possible solutions

Research needed

22. BLALOCK, W. R. Excerpts from the opinion of the trial court. In Water Law Conf. Proc., May 22-23, 1959, Sch. of Law, Univ. of Tex., n.d. p. 16-40.

Conflict between appropriative claimants (the State and water districts) and riparian claimants (private owners of irrigable land) over water rights in the Rio Grande River

Riparian right of irrigation:

Spanish land grants

Adoption of common law in 1840

Riparian land:

Watershed doctrine

Distance between banks and survey-line separation from river by public way

Riparian water vs. floodwater:

Highest line of ordinary flow

Impounded water

23. BLANEY, H. F., and CRIDDLE, W. D. Determining water requirements for settling water disputes. Natur. Resour. Jour. 4: 29-41. May 1964.

Determining water requirements -- estimates of past, present, and future consumptive use; and irrigation requirements and stream depletions in river basins  
Consumptive use of water:

The Blaney-Criddle consumptive-use formula  
Application of the Blaney-Criddle consumptive-use formula in specific areas:

Water requirements for irrigated areas  
Compact negotiations  
Adjudications  
Litigation  
International negotiations

24. BOERSCHINGER, THOMAS H. The regulation of groundwater resources. Ill. Continuing Legal Educ. 3(1):109-143. Jan. 1965.

Various rules governing withdrawal of ground water:

Common law rule  
U.S. rule of reasonable use  
Correlative rights rule  
Prior-appropriation rule

Illinois law relating to ground water:

Police power generally  
The U.S. Supreme Court and the regulation of ground water  
Regulation of ground water and the individual States

25. BONNEY, LOUIS S. Oregon's coordinated integrated water resources policy. Willamette Law Jour. 3(4):295-316. Fall 1965.

History of development of Oregon statute law concerning water rights and conservation of water resources:

Proposal that the functions of the State engineer who administers Oregon water-rights law and of the State water resources board that is the Oregon water-planning agency be given to a single agency headed by the State engineer

26. BOOTH, F. R. Applications for permits to appropriate water. In Water Law Conf. Proc., May 22-23, 1959, Sch. of Law, Univ. of Tex., n.d. p. 96-107.

Historical background of application statutes

Application for permit

Permit to impound water

Presentation

Procedure and practice at public hearing

Proceedings after hearing

Recent legislation relating to applications for permits

27. BOULDIN, VICTOR W. Adjudication of stream rights and supervision of diversion. In Water Law Conf. Proc., May 22-23, 1959, Sch. of Law, Univ. of Tex., n.d. p. 64-73.

The need for a uniform, dependable system of stream diversion

Drawback -- the problem of adjudicating water rights

Statutory methods:

Colorado -- judicial decision

Wyoming -- administrative -- watermaster supervises diversions within district

Texas -- McKnight case said administrative procedure violated Texas constitution

Oregon -- judicial decisionmaking use of administrative procedure

Common law methods deplored

Conclusion -- a uniform administrative procedure would provide greater dependability of supply, with less conflict and expense

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Evaluation of existing vested rights in public water -- necessary for State planning

Riparian rights

Early appropriations -- indefiniteness

Indefiniteness of vested rights as problems in planning

Federal reservoir projects

Use of "watermaster system" advocated

Interbasin transfer controversy -- "prejudice-to-persons-or-property" provision

Percolating waters

Texas rule of absolute ownership

Ground water conservation districts:

Recharging aquifers

Water pollution -- oil and gas industry

29. BOUNDARIES-waters-easements. Boundary call for edge of lake does not extend ownership to lakebed -- implied easement given extremely broad scope. Tex. Law Rev. 38:492-496, Apr. 1960. Case note.

Texas rule -- for a lake, riparian ownership does not extend to any part of the bed

Implied easement to use dry part of bed as lake frontage

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Water-source county's taxation of water rights that are held by nonresident public water-supply agencies

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The economic significance of water transfer

Implications for economic growth:

Water mobility and economic growth

Some quantitative problems

Implications for efficiency and equity

An assessment of transfer forms:

Tenure forms

Payment forms

Change of water-transfer institutions: the implications for a political economy

32. BREWER, MICHAEL F. Local government assessment: Its impact on land and water use. Land Econ. 37(3):207-217, Aug. 1961.

Public water-district assessment in California -- assessment as water-pricing device

The economic impact on land and water use

Appraising of the public water-district assessment -- effect on certainty of district water rights

An evaluation of the public water-district assessment-- both a source of revenue and a tool for allocating available water sources



33. BUSBY, C. E. Aspects of American sedimentation law. Jour. of Soil and Water Conserv. 22(3) 107-109, May-June 1967.

- Legal consequences of sedimentation resulting from impoundment

- Science and jurisprudence

- Use and damage values as riparian rights -- pollution, accretion, and avulsion

- Damage to upstream lands:

  - Taking by overflow of lands -- land damage resulting from Federal dams

  - Taking by overflow and erosion

  - Taking by sedimentation, overflow, and inundation

  - Taking by all the above and other causes

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- Discussion of ground water management problems in the Western States in hydrological and legal context

- Texas -- conservation basis of legislation

- California -- correlative rights and mutual prescription

- Systems of statutory appropriation

- Colorado situation -- study proposed to develop Colorado ground water act

35. CALIFORNIA Department of Water Resources. State water rights applications for unappropriated water, assignments thereof, reservations for counties of origin and other related matters. Sacramento, Jan. 1959. Ch. III, p. 35-42.

- The California water-resources investigations

- Legislation authorizing State applications for unappropriated water

- Coordinated plan of development

- History of county of origin law

- Subsequent legislation concerning State applications and county of origin

- The State Water Plan and the Central Valley project, including watershed-protection features

- The California aqueduct system

36. CALIFORNIA Jurisprudence. Waters 51:435-894; and 52:1-735, 2d ed., Bancroft-Whitney Co., San Francisco, 1959.
- Public policy
  - Nature of water rights
  - Public ownership and control
  - Riparian right
  - Pueblo right
  - Prescriptive water rights
  - Appropriative water rights
  - Underground waters
  - Public use
  - Relative superiority of different classes of water rights
  - Adjudication of water rights
  - Loss and condemnation of water rights
  - Conveyances and contracts involving water rights
  - Diversion, conveyance, and storage
  - Pollution and contamination
  - Surface waters, floodwaters, and flood control
  - Navigable waters and underlying lands
  - Private and mutual water companies
  - Irrigation districts and similar organizations
37. CARMICHAEL, DONALD M. Forty years of water pollution control in Wisconsin: A case study. Wisc. Law Rev. 1967: 350-419, Spring 1967. p. 350-419.
- Development of the Wisconsin regulatory process
  - Drainage-basin hearings and preparation of orders
  - Order rehearings, modifications, and review
  - Judicial review of orders
  - The problem of private rights--a suggestion
  - Enforcement of orders:
    - Practical enforcement problems
    - Agency enforcement
    - Judicial enforcement
  - The Wisconsin experience--problems and progress:
    - Municipalities
    - Canning- and milk-processing industries
    - Pulp and paper
  - The department of resource development
38. CASTLE, EMERY N., and LINDEBORG, KARL H. The economics of ground water allocation: A case study. Jour. Farm Econ. 42:150-160, Feb. 1960.
- The analytical framework
  - Empirical analysis
  - Legal and institutional implications



39. CASTLE, EMERY N. and LINDEBORG, KARL H. The economics of ground water allocation with particular reference to the Milton-Freewater area of Oregon: A methodological investigation. Agr. Expt. Sta., Ore. State Univ., mis. paper 108, Apr. 1961. 33 p.

Description of area

Methodology

Legal and institutional implications

Administrative feasibility

40. CHADSEY, PHILLIP D. Rights to underground waters in Oregon: Past, present and future. Willamette Law Jour. 3(4):317-335, Fall 1965.

The background of the Ground Water Act of 1955

Appropriation of percolating waters--not specifically provided for by Ground Water Act

Some problems involved in administering the present act:

Procedure for determination of critical ground water areas

When does a well "substantially interfere" with existing ground water rights?

Problems of interference with surface rights -- additional legislation advocated

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Development of the appropriation doctrine

Problems of regulation

Federal and local problems

Rights must yield to reasonable regulation

42. CHAMPION, WILLIAM M. Altering a system of water rights - look before you leap. In Lectures on law in relation to water resources use and dev., Inst. of Water Resour., Univ. of Conn., Storrs, Mar. 1967. p. 24-27.

Discusses the transition from a riparian rights system to one embracing many of the concepts of the doctrine of prior appropriation in Mississippi. Also considers policy implications for other Eastern States.

43. CHAMPION, WILLIAM M. Prior appropriation in Mississippi - A statutory analysis. Miss. Law Jour. 39:1-38, Dec. 1967.

- Mississippi protection of vested riparian rights distinguished from California system
- Water sources and uses regulated under Appropriation Act of 1956

- Domestic use, and dredging or washing of sand or gravel excluded from act:

  - Minimum streamflow and lake level reservation

  - Ground water not included

  - Surface water sources that are not included

- Elements of water rights and permits under Mississippi law

- Priorities:

  - Riparian users prior to enactment

  - Riparian users prior to cutoff date

  - Priorities among prior users

  - Preferences

  - Loss of rights -- abandonment and forfeiture

  - Changes in the allocation:

    - Change in place of diversion or of use

    - Transferability of water rights

- Appeals:

  - On application for permit

  - On claim of prior riparian right

- Access to water

44. CHAMPION, WILLIAM M. Transition from riparian doctrine. In Water Resour. Law Colloq. Proc., Inst. for Research on Land and Water Resour., inf. rpt. 51, Penn. State Univ., July 1967. p. 46-57.

- Studies of the Mississippi Water Resources Policy Commission

- Mississippi Water Appropriation Act of 1956:

  - Protection of vested rights of riparian owners

  - Water-use permit system

  - Effects of the law

- Considerations for Pennsylvania:

  - Protection of vested riparian rights (Mississippi compared with California)

  - Proposed preferred-use system of water allocations

  - Is the appropriation system suited to the East?

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Community interest in ground water management:

Effect of ruling that ground water is a mineral  
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Drainage water

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- Rights to use water in farm ponds:
  - Natural ponds (nonpermanent)
  - Artificial ponds
- Correlation of law relating to diffused surface water with riparian-rights law
- Basic problem posed--courts ignore hydrologic cycle
- Resolution of problem by courts
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- Legal classification of water
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- Water movements--surface waters
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- Drainage of ponded areas
- Obstruction
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- Riparian doctrine
- Surface water
- Percolating ground water

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- Comprehensive permit systems
- Duration of permits
- Use on nonriparian land
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Elements of the riparian doctrine:

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- Domestic or other natural uses
- Artificial uses
- Natural-flow doctrine
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- Impoundments
- Status of domestic-use priority
- Other preferences
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- Prescriptive rights and dedication
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- Some reasons for adopting the doctrine
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    Impounded waters

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    Statutory definitions of aspects of riparian rights

    Water-use permit systems

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    Impounded and released water

    State pollution control legislation

    State agency regulation in portions of State

    Regulation by local government or special districts

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    Access to public waters

    Regulations concerning particular waters

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- Development of water supplies
- Contractual and other factors
- Surface water and ground water
- Legislative developments
- Looking toward the future

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- Development of water supplies
- Contractual agreements and other complicating factors
- Diffused surface water
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- Legislative developments
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- Relationship between ground water and surface water-courses
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Navigable watercourses--riparian and public rights

Development of natural watercourses

Contractual agreements and other complicating factors (eminent domain, prescription, and dedication)

Diffused surface water and ground water

State legislation:

State water-use permit systems

Use of water on riparian or nonriparian land

Minimum streamflow, lake level, dam, and impoundment provisions

Pollution control measures

Preferential and condemnation provisions

Regulation in local areas by State or local governments and districts

Provisions regarding public rights and access and shoreland use

Some emerging issues or considerations

Federal, interstate, and international considerations

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Difficulties in allocating appropriative water rights in a market system:

Inadequate definition of the amount of water

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Possibility of past abandonments or forfeitures  
Steps thought necessary to protect junior appropriators when the point of diversion changes  
Solutions to these difficulties

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Downstream transfers  
Upstream transfers

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Surface water (streams, diffused surface water, lakes, and ponds)

Ground water

Public access to lakes and streams

Diversion between basins

Eminent domain

Regulatory authority:

Permits or approvals required

Drilling or abandoning wells

Impoundments

Channel encroachments

Development in flood plains

Discharge of wastes

Construction of public water supply

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Waste treatment

Flow regulation

Administrative structure:

Interstate departments and agencies

Boards and commissions

Special purpose districts

Other political subdivisions

Policy

Program

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Adverse possession

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The California doctrine or correlative-rights rule

The doctrine of prior appropriation or prior-rights rule

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Priority by type of use--preferences

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Riparian rights

Appropriative rights

Prescriptive rights

Transferability

Storage of direct-flow rights

Salvage

Dual points of diversion

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Legal requirements of zoning the flood plain:

Enabling legislation:

Permissible purposes of land use regulation

Permissible land use regulations

Methods of adoption and enforcement

Conclusions as to enabling legislation

Constitutionality:

Due process: arbitrariness

Prevention of injury to others

Due process: confiscation

Equal protection

Federal supremacy

Proposed flood plain zoning ordinance

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Public ownership and rights

Conflicts in multiple use:

Flood control, recreation, and public water supplies

Sewage-waste disposal and recreation

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Comparison of the systems:

Basis of initial allocation

Constraints on use

Contrasts in respect to flexibility of allocations

Contrasts in respect to containment of service areas

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Indications of wide dispersion of marginal-revenue productivities of water within the system

Unreliability of water supply

Excess-diversion capacity

Excess canal mileage

Conveyance losses

Inadequate use of the ground reservoir

Inadequate reuse of water

Segregation of the Kaweah from small local streams

Segregation of the Kaweah from the Kings River

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- The role of water law in imposing and perpetuating diseconomies:
  - Productivity not the initial basis of water rights
  - The initial pattern is frozen
- The dynamic evolution shaped by water law:
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- The lawyers' responsibility for the law

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- Surface water:

- Diffused surface water
- Water flowing in surface streams
- Riparian land
- The riparian right
- Early developments in England and Maryland
- Recent developments
- Loss of riparian rights:
  - By prescription
  - By condemnation for a public use
  - By voluntary agreements
  - Damages in lieu of injunctive relief
  - Sale of riparian land
  - Equitable estoppel
  - Laches

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- Preferred uses, as between riparians
- The right to use water from springs
- Riparian rights in navigable waters
- Water under the ground
- The prior-appropriation doctrine
- Constitutionality
- Water in the atmosphere
- Pollution

Legislation pertaining to the water resources of Maryland

Department of water resources:

- Planning for multipurpose development
- Control over the appropriation and use of water
- Control of dams and reservoirs
- Control of well-drilling
- Pollution control
- Flood prevention

Department of geological survey

State department of health

Department of Chesapeake Bay affairs

Natural Resources Institute, University of Maryland

Department of game and inland fish

Department of forests and parks

Enabling legislation: Soil conservation districts;  
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navigation

Beds of all waters capable of recreational use  
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Custom of long standing

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Domestic uses

Artificial or commercial uses

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Two categories of surface water cases:

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Protection of the upper owner

Is the civil law rule the best one for California?

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Construction

Operation

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As a consideration to be weighed by the State agency empowered to accept or reject applications for appropriative rights

In the granting of conditional applications--made subject to subsequent preferred rights

Where the prior appropriator has acquired an absolute water right, which is not conditioned upon possible future demands, condemnation is required for infringement

Where eminent domain by private individuals for a "public use" is permitted; statutory provisions and definitions; and case law--liberal view (any public benefits) vs. strict view (use itself must be available to public)

Federal courts affirm State interpretations

Where common law riparian preferences and appropriation-doctrine statutory preference come in conflict (California-doctrine States)

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Statutory provisions

Court interpretations of "public use"

Future trends

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- Economics

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- Recharge

- Research needs

- Conclusions and recommendations

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- Opening of Flathead Reservation to settlement

- The Rochester decision

- Title to beds of navigable lakes

- English common law

- American law

- Interests of the Indians in Flathead Lake beds

- Lakebed was not part of reservation

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- Access and wharfage in United States

- Effect of Rochester decision

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- Statutory regulation

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- Legislative enactments

- Recent court decisions



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Suggested improvements in Missouri water law:

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Pollution control

Drainage laws

What agencies (State, local, and private) would be involved in improvement

What new agencies are needed

Deterrents to improving water laws

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Definition

Number

How organized

Functions

Attributes

Problems

Role in water establishment

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Riparian rights

Lux vs. Haggin

The antiriparian irrigation organization

Effect of Lux vs. Haggin

The Herminghaus case

The 1928 constitutional amendment

Water-right litigation

The Water Commission Act

Acquirement of new rights

Applications to appropriate by the State

Preferences to areas of origin

Adjudication and administration of rights

Results of State administration of water rights

Supervision of dams

Organization of the State's water functions

Ground water

State vs. Federal control of water

Changing standards in water rights

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California rule

Nebraska rule

Underground streams

Current problems in Nebraska:

Interference between individual wells

Municipal use problems

The trend toward administrative-control-type statutes in other States

Key features of regulating statutes:

Waters included

Exemptions

Vested rights

Administration of rights

Court adjudications

Local districts

Administration of critical areas

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Period of use

Commencement of the statutory period

Activities that may be considered reasonable uses

Adversity of use between riparians

Requisites for establishing a prescriptive right in Wisconsin:

Adverseness

Notorious

Open claim of title

Continuous and uninterrupted

Tolling the statute

Theoretical justification for prescription

Limitations on acquisition of prescriptive rights

Reciprocal prescriptive easements and maintenance of artificial conditions:

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Surface water

Early Hawaiian land use

Classes of land units

Effect of the Mahale--transition to modern land-holding system

Rights defined:

Water originating on owner's land

Irrigation-ditch systems

Rights in streams

Water rights and water development:

Surface water rights can be sold separately from the land

Surface water may be transferred from one watershed to another

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Ground water:

Classes of ground water

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Uncertainty of "rights" in nonartesian waters

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Summary--Western States

Summary--Eastern States

Detailed review of selected laws:

Ground water and surface streams--strong regulation:

General permit system

Permit system geared to needs of problem areas

Machinery authorizing diversions of water in local areas

Model water-use act

Salt water intrusion barrier

Ground water and surface streams--other legislation:

New York legislation and proposals

Arkansas legislation

Special treatment for favored industry

Lake level controls, protection of fisheries and recreation, and so on

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Diffused surface water

Constitutional problems

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Figure 1--Eastern water-use regulations

Figure 2--Eastern licensing, inspection, and related laws

Detailed review of selected laws:

Ground water and surface stream--strong regulation:

Iowa general-permit system

Permit system geared to the needs of problem areas

Florida machinery authorizing diversions of water in local areas

Model Water-Use Act

Ground water and surface streams--other legislation:

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Special treatment for a favored industry

Lake level controls, laws favoring fisheries, and so on

Miscellaneous

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Possessory rights in water once diverted

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Conclusion--city should be upheld in the interest of waste prevention

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Percolating water

The statute, its background, and its relation to other water laws:

Administering the permit system

Interpreting the scope of regulatory power:

Vested rights

Uses regulated

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Regulation imposed:

Standards of beneficial use

Regulating permitted uses

Consumptive use and protected flow

Procedure for processing original applications:

The application, prehearing investigation, hearings,  
final determination, and appeal

Transfer of permits

Renewal and modification

Termination and suspension

Constitutional limitations:

The police power and substantive due process

Adequacy of procedural safeguards:

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Finality of the hearing

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  - a single-purpose agency

- Pumping restrictions

- Importation for ground water replenishment

The potential role of ground water basins in supplying future water needs

Concept of conjunctive use

- Research on the application of conjunctive use

- Proposals for supplying water

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Surface waters

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Riparian doctrine:

Use on riparian tract

Use by municipalities

Natural flow or reasonable-use right

Loss of rights by riparian owner

Acquisition of new or increased rights in streams

Investments under riparian doctrine

Use of surface waters:

Investments based on surface water use

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Need for watershed management

What Michigan did--Act of 1964 concerning Huron River watershed

General principles for watershed management

Standards for regulation of water use proposed

Extent of right--indefiniteness of water right in streams

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Public uses have little or no status in West

Pacific Coast--Coast States recognize fish and wildlife

The East--old industries are chief problems in New England

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  - Evidence allowable to prove an underground stream
  - Statutory modification
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  - Underground streams
  - Percolating water:
    - English or common law rule
    - American or reasonable-use rule
    - Florida position
- Relief for interference with ground water rights:
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Additional possibilities for recognition of public  
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Possible use of Spanish civil law to bolster public  
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Access to nonnavigable lakes by invitation of riparians  
Rights attributable to navigable lakes:  
Rights of riparian owners:  
Nonconsumptive uses:  
Access and navigation  
Fishing, swimming, and hunting  
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Access  
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- The extent of riparian rights
- Prescription
- Developed or added waters
- Flooding of others' lands
- Artificial watercourses distinguished
- Dedication to public use
- Navigable waters
- Lakes and ponds
- Federal law regarding ownership of beds
- State jurisdiction over natural watercourses
- Percolating ground water
- Subterranean watercourses
- Springs
- Surface water
- Drainage
- Water use regulation and related functions of State and local bodies:
  - State departments, boards, and commissions
  - Local government units
  - District organizations created by permissive legislation
  - Special district organizations
  - Regional planning commissions
- Remedies:
  - Who may be a plaintiff
  - Actions for damages
  - Injunction
  - Abatement
  - Joinder of plaintiffs or defendants
  - Estoppel
  - Prior determination by administrative agency
  - Administrative remedies
  - Other remedies
- Trial court activity
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  - Powers and functions of Federal agencies
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Where riparian water can be used

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Parts of stream to which riparian rights attach

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The riparian doctrine

The appropriation doctrine

Administrative:

Permit system

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Constitutional and statutory limitations on change

Institutional barriers:

Joint ownership of ditch by separate owners of water rights

Mutual-ditch company

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Change in point-of-diversion proceedings: burdens of proof and proper matter in issue:

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Firm water permit for fixed term of years

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Prevention or control of water pollution

Conservation and development of water resources

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Distinction between beneficial use in ground water and  
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ties and agriculture over water heretofore used  
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- Grandfather clauses--protection of existing uses
- Designation of critical area
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- Some State definitions exclude certain kinds of ground water from legislation
- Water in oil- or gas-wells
- Nebraska law
- Arbitrary-loss-limit statute--New Mexico
- Financing provisions, putting the administrative-cost burden on water users

Trends:

- More controls on use of ground water
- More efficient use
- More local participation in control

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Expansion of powers of the water resources commission

Legislation to implement Public Law 566

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  - Riparian rights in navigable or meandered streams
  - Riparian rights as untouched
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Preferences

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Termination of water rights

Vested-right determination

Powers and duties of administration

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Storage rights

Prescription

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Wyoming

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Federal--State conflict

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Adjudication and protection of water rights

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Lakes and ponds

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Subterranean waters, springs, and wells

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Ground water--absolute title

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Two kinds of appropriative rights

Respective rights:

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Problems in judicial adjudication  
Cancellation of unused permits by Texas Water  
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Administrative adjudication procedures--two alternatives:  
Oregon--preliminary determination  
Wyoming--final, subject to appeal  
California procedures (based on Oregon approach):  
Court reference procedure  
Statutory adjudications  
Adjudications--riparian rights:  
Quantification of riparian rights  
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Establishment of bulkhead lines

Wharves, piers, and pierhead lines

Permits for structures on the bed of a navigable water

Structures in or over navigable waters: private bridges under sec. 31.23(3) Wisc. Stats.

Structures in navigable waters; permit for dam under sec. 31.04, et. seq.

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Procedure for obtaining a permit for a dam constructed without legislative permission before July 10, 1915 or for one to be constructed in the future

Acquisition of dams; sale or transfer of dam or permit

Raising and enlarging existing dams

Duties and obligations of owners of dams

Abandonment of dams

Part II.--Structures including dams in nonnavigable waters

Other matters relating to beds of navigable waters or adjacent area:

Removal of material from beds; sec. 30.20

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Changing the channel of a stream; sec. 30.195

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- Reservoir rights
- Amendment of permits
- Agreements between appropriators
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- Ground water law
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- Recreation
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- Backwaters--regressive trends:

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Exceptions to the rule:

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- Pre-1909 rights
- Rotation agreements

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Reservoir rights

Amendments of (unadjudicated) permits

Agreements between appropriators

Submerged lands

Procedures for making and regulating excepted changes

The law in other Western States:

States permitting changes

States restricting changes

Procedures for protection of other appropriators  
affected by change

Experience under the Wyoming law -- cases involving  
exceptions to statute

Merits of the present law -- allows the most necessary  
changes in use

Disadvantages:

May interfere with future beneficial uses

No provision for changes for recreation use

Discriminations against agricultural uses

Drawbacks of changes by amendment of permits and  
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types of changes. Here, Trelease discovered a new  
exception to the "no-change" statute in the statute  
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of the right of access

The doctrine of Orange vs. Resnick -- the only paramount  
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The journey back to the common law:

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State vs. Knowles Lombard -- no riparian right to  
remove sand

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Powers of the Connecticut Water Resources Commission  
Interstate water pollution compacts  
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Urban growth has created a crisis in water-resources  
management

Implications for the department of water resources?

Recommendations:

Statewide water-resources policy and plan

Minimize pollution from sediment

Flood plain zoning

Optimal use of reservoir sites

Permits for water use

Regulation of well-drillers

Other recommendations concerning administration and  
research

The role of the State, present and future

Water rights and regulations:

Common law rights

Role of the State under its police power

Some limitations of existing law:

Coordination of planning and management activities

Maryland permit system

Dam and reservoir construction

Divided responsibility for pollution control

Administration of well-drillers law

Special commissions for watersheds, river basins,  
or aquifers

Department of water resources responsibilities:

Planning

Water-quality control

Sedimentation

Appropriation plan and reservoir permits

Review and revision of laws

Sanitary service in metropolitan Maryland

Interstate, State-Federal, and research activities



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Uncertainty of Utah law

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State agencies concerned with ground water

Court decisions concerning ground water -- reasonable-use rule

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Abandoned-well legislation

Well-logging statute

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Power

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Irrigation

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Rivers and harbors and flood control projects

Interstate compacts

Beach erosion

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Stream as boundary

Federal policies

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Court decisions:

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Ground water -- reasonable-use rule and diversion

Statutes -- rights and responsibilities of individuals,

State agencies, local governments, and special districts

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State ownership of beds

State ownership of easement

Legislation based on police power

Sources of public rights

Tests of navigability:

Federal law

Wisconsin and Ohio liberal interpretation

Bases on which Wisconsin rule can be upheld

Recognized public rights (purposes of use)

Public access (in the four States)

Effects of public access on shoreline investments

Interaction of public and private rights

Delegability of the public trust in water

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The factual setting

The need for control

Should State or Federal government exercise control?

Power to determine waters on which recreational

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To determine ownership of the beds of watercourses  
in new States

To determine private vs. public rights -- State law

To determine water subject to the Federal commerce  
power

State power to zone waters for particular uses

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Statutory developments:

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Protection of lakes for recreational purposes

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Miscellaneous protections

May administration of the public trust in public waters  
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To what waterways do public rights attach?

What rights does the public enjoy?

Origin and nature of public rights and judicial  
remedies available for protection of public  
rights

Protection of public rights afforded by the legis-  
lature and administrative agencies

Public rights of access to waterways and to the ocean

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recreation

Restrictions of State power to create and regulate  
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Suggestions for government action to expand outdoor  
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Permit system for diversion of "excess waters"  
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The duty of cities to provide and maintain streets  
and sewers

Municipal liability in Kentucky for damages resulting  
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Surface water drainage from streets

Inadequate sewers

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Diversion not required to perfect appropriation for stock-watering

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Model Water Use Act

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Artesian basins -- Utah case:

Junior appropriators required not only to replace water supply but to restore original hydrostatic pressure

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Prior vested rights

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Police power

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  - Beneficial use of water as measure of right
  - Transition to public control of water rights
  - State administrative agencies controlling water  
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  - Statutory water-appropriation systems
  - Statutory administration and distribution systems
  - Integrated administrative-judicial procedures
  - Water-enterprise agencies
  - Application of statutory law to ground water
  - Modern national concern with water allocation
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    - Ownership and public use of navigable waters
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    - Private ownership of land under water
    - Land between high and low water-shore banks
    - Rights to wharf-out and to reclaim
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Federal-State rights and relations, chapter 1, by

E. H. Morreale

Federal reclamation law, chapter 2, by J. L. Sax

Water rights in interstate streams, chapter 3, by

C. E. Corker

Indian water rights, chapter 4, by E. W. Clyde

Vol. III. Water pollution and quality controls, (1967),

by B. J. Gindler

Water-quality controls--the problems and the  
solutions

Water-quality controls enforceable in courts under  
State law:

Pollution affecting appropriative rights in  
defined channels or surface depressions; and  
such pollution under combined riparian-  
appropriative system

Pollution of ground water

Pollution of diffused surface waters

Hydrologic relationships and water quality

Some forms of absolute liability for water  
pollution

Judicial remedies against pollution

Defenses in water pollution litigation

Water pollution as a public offense

State administrative regulation of water quality

Water-quality control in the Federal jurisdiction

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Law Rule Of Surface Water In Oregon. Willamette Law Jour.

1: 402-405, Fall 1960. Case note.

Discussion of the application of the common law, civil  
law, and reasonable-use rules in Oregon.

454. WHO Pays when the well runs dry? Univ. of Colo. Law  
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Effect of judicial decisions:

Water subject to landownership doctrines

Water subject to the appropriation system

Effect of statutory enactments

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An interpretive digest of water-resources legislation enacted by the 1963 North Carolina General Assembly including water-use regulatory laws; water and sewerage facilities laws; watershed--improvement laws; drainage district laws; and laws regarding public use of water for recreation.

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Rising needs

Legal bases of control

Compliance -- and problems

Improving data and facilities

Underground water

The Susquehanna Basin potential

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Clarification of authority to control and govern waters of Mississippi Sound:

Conflicting boundaries:

Tidelands and inland navigable waters, 3-mile belt

Present state of boundaries

Recommendations concerning boundary limits

Natural watercourses:

Riparian rights

Use of stream as a boundary--accretions, alluvion, and avulsion

Drainage problems (diffused surface water law):

Embankment and obstructions

Rights of action available

Rights by prescription

Artificial watercourses:

Rights to use

Rights to create

458. WILSON, CHESTER S. Legal aspects of water pollution control. In The national conf. on water pollution control, Proc., U. S. Dept. of Health, Educ. and Welfare, Wash., D. C., Dec. 12-14, 1960. p. 354-380.

Scope of discussion -- State laws relating to public interests:

--Cont.

458. WILSON, CHESTER S.--Cont.

- Significance of laws governing private interests
- Significance of objectives and interests affected
- Public pollution control laws--suggested water pollution control act
- Administrative and enforcement provisions
- State water pollution control agency
- Consolidation of enforcement authority--concurrent jurisdiction with other agencies
- Delegation of legislative power
- Standards--classification of waters
- Operating provisions--orders, plans, permits, and enforcement
- Enabling provisions:
  - Financial problems
  - Special local agencies for sewage disposal and pollution control--sanitary districts
  - Joint-powers law

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History of Wisconsin's drainage laws:

- Drains for individual landowners
- County drains
- Town drains
- Maintenance of town and county drains
- The drainage district law
- The farm drainage law

Present status of drainage in Wisconsin:

- Drainage districts
- Farm drainages
- Town drains
- Private drains
- Table I -- Drainage districts and county farm drainages organized 1900-1955
- Table II -- Summary of organized drainage projects by county

Preliminary analysis of problems referred to in JT.  
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to register prior vested rights or forfeit them  
Does this represent an unconstitutional taking?  
Kansas and South Dakota appropriation statutes  
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The development of the levee system in Louisiana  
Eminent domain and police power  
Origin and development of Louisiana riparian servitude  
through 1898 to the present  
Compensation and the status of land taken  
Scope of the power to take  
Constitutionality  
Procedure  
The special case of the Orleans Levee Board

462. YEUTTER, CLAYTON. Diffused surface water law in Nebraska. Nebr. Law Rev. 41(4): 765-792, June 1962.  
Comment.

Surface water doctrines generally  
Basic surface water rules in Nebraska: The common-  
enemy rule and the move from property to tort  
concepts  
Interference with flow by use of artificial structures  
Draining ponds  
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Miscellaneous surface water issues:  
Floodwater  
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Urban litigation  
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The influence of the civil law rule in Nebraska  
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Watercourse defined  
The legal doctrines:  
The existing riparian doctrine  
The appropriation doctrine

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The department of water resources:

- General duties
- Applications for appropriations
- Storage appropriations
- Lands to be irrigated
- Administrative penalties
- Stored floodwaters
- Condition of dams

Nebraska watercourse law--its characteristics and problems:

- Ancient vested appropriation rights
- Quantity limitations
- Water shortages
- Transferability of appropriation rights
- Forefeiture of appropriation rights
- Downstream senior vs. upstream junior appropriators
- Preferences:
  - The legal implications
  - The economic implications
- Transwatershed diversions
- Administrative standards

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- Municipal water supply within the corporate limits
- Municipal water supply outside the corporate limits:
  - Purchase and holding of land
  - Extraterritorial condemnation
  - Extraterritorial police power
- Validity of regulations designed to protect municipal water supply
- Water districts and municipal participation:
  - Partial participation by municipal government
  - District composed solely of government units
  - District powers and financing
- Water conservation for future municipal needs:
  - Land use planning
  - Land reservation by statutory procedure
  - Zoning

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Regulated uses

"Preserved," prior-vested uses

Limited-duration permit system

Water pollution control section

## PART II. SUPPLEMENTAL LISTS OF PUBLISHED MATERIALS

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